



W.P(MD)No.17039 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17039 of 2024

and

W.M.P(MD)No.14666 of 2024

Prasanth

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Keelpak,
Chennai – 10.

2.The Divisional Manager,
Food Corporation of India,
Divisional Office,
3rd Mile, M.G.Complex,
Thoothukudi.

3.The Quality Inspector,
Food Corporation of India,
Divisional Office,
3rd Mile, M.G.Complex,
Thoothukudi.

4.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Nagarcoil Region,
Kanyakumari District.



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5.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

6.The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to re-analyze the rice seized by the sixth respondent from the Lorry bearing Registration No.KL-74-B-4066 on 03.07.2024 and issue quality certificate to enable the petitioner to defend the case suitably.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.R.Satheesh
Standing Counsel
for R.1 to R.4

Mr.D.Sasi Kumar
Additional Government Pleader
for R.5

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.6

ORDER

Heard both sides.



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2.A consignment of 300 bags belonging to the writ petitioner was seized by the sixth respondent on 03.07.2024. According to the sixth respondent, the consignment contains PDS rice. Hence, Crime No.135 of 2024 was registered under the relevant provisions of the Essential Commodities Act. The sixth respondent forwarded the entire consignment to the fourth respondent. Samples were also drawn. Sample was sent to quality analyst. It has now been certified by the Quality Inspector (Assistant Manager, Quality Control of Tamil Nadu Civil Supplies Corporation) that the samples has been confirmed to be PDS rice. Copy of the said certificate was served on the learned counsel appearing for the petitioner only today.

3.It is not in dispute that appeal can be preferred before the Managing Director of the Corporation within 15 days. Since the quality certificate was served only today, the petitioner is given 15 days from today to submit his appeal. If any such appeal is filed within 15 days as indicated above, the first respondent will dispose of the same. For an appellate authority to dispose of the appeal, he would require fresh sample. The general instruction is that three samples must be taken. In



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this case, it appears that only one sample was drawn. I do not want to go into the implications of the drawl of sample. If I render any finding it may affect one of the parties in the writ petition. I therefore refrain from rendering any finding regarding drawl of sample.

4.The learned Standing Counsel appearing for the Corporation categorically states that the seized bags are very much available with the fourth respondent. A fresh sample will be drawn in the presence of the petitioner and it shall be sent by the fourth respondent directly to the first respondent. The first respondent would obviously send the same to Quality Analyst of some other region. The lab concerned will open the sample in the presence of the petitioner and in this regard, due notice should be given to the petitioner. It is for the petitioner to be present as per the notice requirement. After getting quality certificate from the said analyst, the first respondent will dispose of the petitioner's appeal. The entire exercise shall be completed as expeditiously as possible. Till the appeal is disposed of by the first respondent, the direction given by the fifth respondent shall not be given effect to.



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5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Issue order copy on 31.07.2024.

To

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Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
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G.R.SWAMINATHAN,J.

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5.The District Revenue Officer,
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